

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**COLONY INSURANCE COMPANY,**

**Plaintiff,**

**v.**

**BIG TIME “WINGS” SPORTS  
GRILL, INC., d/b/a BIGTIME  
WINGZ SPORTS GRILL,  
STEPHEN BROCK, CHARLES  
W. GOGGINS and CARLOS A.  
ORTEGA, JR.,**

**Defendants.**

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**Case No. 2:07-cv-680-MEF**

**REPORT OF THE PARTIES’ PLANNING MEETING**

1. The following persons participated in a Rule 26(f) conference via various e-mail correspondence in December 2007:
  - a. Bethany L. Bolger for plaintiff;
  - b. Algert S. Agricola, Jr., for defendant Big Time “Wings” Sports Grill, Inc., d/b/a Bigtime Wingz Sports Grill (“Big Time”); and
  - c. Brian P. Strength for defendant Carlos A. Ortega, Jr.
  - d. Plaintiff’s counsel attempted to contact defendant Stephen Brock (*pro se*) regarding the conference but received no response.

- e. Defendant Charles W. Goggins has been served but has not entered an appearance as of the time of filing this report.
2. Initial Disclosures. The parties will complete by January 11, 2007, the information required by Fed.R.Civ.P. 26(a)(1).
3. Discovery Plan. The parties propose this discovery plan:
- a. Discovery will be needed on these subjects: Facts related to the incident giving rise to the underlying litigation;<sup>1</sup> liability of Defendants Big Time, Brock, and Goggins in the underlying litigation; and damages sustained by Defendant Ortega as a result thereof.
  - b. All discovery commenced in time to be completed by February 25, 2008.
  - c. Maximum of 25 interrogatories by each party to any other party. Responses due 30 days after service.
  - d. Maximum of 15 requests for admission by each party to any other party. Responses due 40 days after service.
  - e. Maximum of 4 fact witness depositions by plaintiff(s) and 4 by defendant(s).
  - f. Each deposition limited to maximum of 8 hours unless extended by agreement of parties.
  - g. Reports from retained experts due February 1, 2008.

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<sup>1</sup> *Carlos A. Ortega, Jr. v. Big Time "Wings" Sports Grill, Inc., et al.*, Case No. 2:07-cv-368-MHT.

h. Supplementations under Rule 26(e) due June 6, 2008.

4. Other Items:

- a. The parties do not request a conference with the court before entry of the scheduling order.
- b. The parties request a pretrial conference on June 2, 2008.
- c. The plaintiff should be allowed until February 4, 2008, to join additional parties and amend the pleadings.
- d. The defendants should be allowed until February 11, 2008, to join additional parties and amend the pleadings.
- e. All dispositive motions should be filed by March 3, 2008.
- f. The parties have discussed the feasibility of settlement and have agreed that resolution through settlement is unlikely. The parties agree that this declaratory judgment action is best resolved via dispositive motions to be submitted to the Court.
- g. Alternative dispute resolution procedures are not likely to enhance settlement prospects.
- h. Final lists of witnesses and exhibits under Rule 26(a)(3) should be filed by June 6, 2008.
- i. Parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

j. The parties expect this action should be ready for jury trial by July 7, 2008, and at this time is expected to take approximately 1-2 days.

k. Other matters: The parties do not expect there to be any discovery issues involving electronically stored information.

Counsel for plaintiff has express permission from counsel listed below to file this report.

DATED this 28th day of December, 2007.

Respectfully submitted,

/s/ Bethany L. Bolger  
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Bethany L. Bolger  
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Colony Insurance Company

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